JOE WARDY MAYOR JOYCE WILSON CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN DISTRICT NO. 1

ROBERT A. CUSHING, JR. DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK DISTRICT NO. 4

PRESI ORTEGA, JR. DISTRICT NO. 5

PAUL J. ESCOBAR DISTRICT NO. 6

VIVIAN ROJAS DISTRICT NO. 7

ANTHONY W. COBOS DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS NOVEMBER 30, 2004 9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas, and Anthony W. Cobos. Early departure: John F. Cook left the meeting at 1:00 p.m. Absent: None. Meeting was called to order at 9:08 a.m. and the invocation was given by Pastor Dr. Johnnie M. Washington, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

- 1. CHRISTMAS TREE IN LIGHTS DAY
- 2. ASSOCIATION OF THE UNITED STATES ARMY WEEK

RECOGNITION

Recognition of appreciation to C & C Road Construction, Inc. for their outstanding work performance with respect to various projects in the City.

[Representative Presi Ortega, Jr., (915) 541-4189 and Representative Jose Alexandro Lozano, (915) 541-4515]

Representatives Ortega and Lozano recognized C & C Road Construction, Inc.

Mr. Alfredo Corral, C & C Road Construction, Inc., thanked the Representatives for the recognition.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meetings of November 2, and November 23, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the City, a Contract of Sale between the CITY OF EL PASO and JESSIE GUTIERREZ for the purchase of Lots 28 and 29, Block 7, STILES GARDENS, El Paso, El Paso County, Texas, also known as 7255 Stiles Drive, to be used as additional right-of-way related to the Hawkins Extension project. *RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO: That the Mayor be authorized to sign the Quality Management Plan to establish program consistency in the application of Quality Assurance (QA) practices for all Site Assessment activities conducted during the City's Brownfields Redevelopment Project as required by the EPA. *RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO: That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the Members Choice reception on December 2, 2004, from 5:30 p.m. to 7:30 p.m. *RESOLUTION BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO: That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises. Holiday Party Event: Licensee: Young President's Organization December 1, 2004 Date: 7:00 p.m. - 10:00 p.m. Time: Patricia and Jonathan Rogers Grand Lobby Area(s): Charge for Space: \$500.00 Charge for Staff (est.): \$280.00 Charge for Insurance: \$52.80 \$280.00 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign an Amendment to the May 1, 2001, State Use Contract between the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for extension of the termination date of the Contract for maintenance services for Special Areas of the City's Parks from December 15, 2004, until December 31, 2004.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign an Amendment to the May 1, 2001, State Use Contract between the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for extension of the termination date of the Contract for restroom maintenance services from December 15, 2004, until December 31, 2004. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign an Amendment to the May 1, 2001, State Use Contract between the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for extension of the termination date of the Contract for parksites maintenance services from December 15, 2004, until December 31, 2004. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign an Amendment to the May 1, 2001, State Use Contract between the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for extension of the termination date of the Contract for parksites maintenance services (additional day/weekends) from December 15, 2004, until December 31, 2004. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign an Amendment to the May 1, 2001, State Use Contract between the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for extension of the termination date of the Contract for maintenance services for the El Corredor Area of Downtown El Paso from December 15, 2004, until December 31, 2004. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign a City Parksites Maintenance Contract among the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for parksites maintenance services for the City's Parks and Recreations Department. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE ONE (1) WEEK the Resolution that the Mayor be authorized to sign a City Parks Restrooms Maintenance Contract among the City of El Paso and Texas Industries for the Blind and Handicapped (TIBH), and Border TM Industries, Inc., to provide for maintenance services at restrooms for the City's Parks and Recreations Department. *RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a month-to-month Lease Agreement, dated November 30, 2004, between **AVIS RENT A CAR SYSTEMS** and the **CITY OF EL PASO**. The term of the lease is from November 1, 2004 through April 30, 2005. The Lease Agreement provides for the lease of approximately 5,010 square feet of property more particularly described therein.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the CITY OF EL PASO and GUILLERMO BARAJAS, INC., d/b/a ENVIRO IDEA, for a project known as "Westside Sports Complex", in an amount not to exceed FOUR HUNDRED THIRTY-SEVEN THOUSAND SEVEN HUNDRED SIX AND NO/100 DOLLARS (\$437,706.00).

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City of El Paso **ACCEPT** the tested and approved **FIRE HYDRANTS** listed below, to provide adequate fire protection to existing and new areas:

Hyd. # Location

- A. 7469 Laguna Vista Dr. & Via De Los Arboles Dr., North-East corner
- B. 8020 Calle Parque Dr. & Calle Azul Wy., South-East corner
- C. 8021 Calle Placido Dr. & Calle Parque Dr., North-East corner
- D. 8022 Calle Vista Dr. & Calle Placido Dr., South-East corner
- E. 8023 Calle Placido Dr., 559' + West of Calle Vista Dr.
- F. 8024 Calle Placido Dr., 402' + North of Calle Milagro Dr.
- G. 8025 1077 Calle Milagro Dr., North of Calle Vista Dr.
- H. 8026 Calle Flor Pl. & Calle Vista Dr., South-East corner
- I. 8045 Carolina Dr., 450' + East of Giles Rd.
- J. 8138 Rio West Ln. & Artcarft Ord Gary Hy., North-West corner
- K. 8174 Alameda Av., 400' + West of Easter Ln.
- L. 8269 Alexander Pl., 530' + North Loop Rd.
- M. 8270 Flora Alba Dr., 528' + East of Sun Fire Bl.
- N. 8271 Flora Alba Dr., 210' + South of Alicia Arzola Dr.
- O. 8272 Alicia Arzola Dr., 399' ± West of Floral Alba Dr
- P. 8273 Alicia Arzola Dr. & Kari Anne Dr., South-West corner
- Q. 8274 Kari Anne Dr. & Paul Lucy Ln., North-East corner
- R. 8294 Lafayette Dr., 270' + South-West of Yarbrough Dr.
- S. 8341 Corral Sands Dr., 285' + West of Ballinger Dr.
- T. 8342 Black Sands Ln., 100' + South of U.S. 54 (Patriot Freeway)
- U. 8346 Belvidere St. & Cactus Spine Ln., South-East corner
- V. 8348 Desert Eagle Dr., 550' + North-West of Belvidere St.
- W. 8353 Bella Vista Dr., 350' + East of Alta Loma Dr.
- X. 8354 Tierra Bella Dr. & Tierra Este Av., North-West corner
- Y. 8360 809 McKelligon Av., 70' <u>+</u> East of alley
- Z. 8361 Alethea Park Rd. & Moore St., South-West corner
- AA. 8362 Ballinger Dr. & Reef Sands Dr., North-West corner
- BA. 8363 Reef Sands Dr., 168' + South of Silver Sands Dr.
- CA. 8364 Silver Sands Dr., 570' + North-East of Golden Sands Dr.
- DA. 8365 Ceder Sands Dr. & Desert Sands Ct., North-West corner
- EA. 8370 Tierra Humeda Dr., 400' <u>+</u> North-East of Tierra Baja Dr.

- FA. 8371 Tierra Serena Dr., 515' + South-West of Tierra Del Este Av.
- GA. 8372 Tierra Sol Rd., 50' + West of Tierra Este Av.
- HA. 8374 Tieera Sol Rd. & Pebble Hills Bl., North-East corner
- IA. 8375 Tierra Madre Dr., 246' + South-West of Tierra Bella Dr.
- JA. 8376 Tierra Dulce Dr., 210' + South-West of Tierra Bella Dr.
- KA. 8377 Tierra Bella Dr. & Tierra Fria Dr., North-West corner
- LA. 8378 Hunter Hill Wy. & Pebble Hills Bl., North-West corner
- MA. 8379 Tierra Humeda Dr., 200' + South of Tierra Baja Dr.
- NA. 8387 Salem Dr., 190' + East of Sigma St.
- OA. 8390 Kenworthy Dr., 940' + South of Transmountain Rd.
- PA. 8391 Portland St., 126' <u>+</u> East of Kentucky St.
- QA. 8392 North Loop Dr. & Center Wy., South-West corner
- RA 8393 North Loop Dr., 206' + West of East Rd.
- SA. 8394 North Loop Dr. & Alexander Pl., South of Intersection
- TA. 8395 North Loop Dr. & Bates Wy., South-East corner
- UA. 8397 Lucy Dr. & Kenworthy Dr., 342' ± West on easement
- VA. 8403 601 Sunland Park Dr., 20' + East of Isabella Dr. (easement)
- WA. 8404 601 Sunland Park Dr., 285' ± West of Isabella Dr. (easement)
- XA. 8405 Redd Rd., 400' ± East of North Desert Bl.
- YA. 8411 Texas Red Dr., 489' + North-East of Kernel Cr.
- ZA. 8412 Texas Red Dr. & Kernel Cr., North-East corner
- AB. 8413 301 Borderland Rd., (Private St "B") 278' ± North of Borderland Rd.
- BB. 8414 301 Borderland Rd., (Private St "B") 524' + North of Borderland Rd.
- CB. 8419 Scooter Ln. & Burgundy Dr., North-West corner
- DB. 8420 Scooter Ln. & Bellagio Ln., North-West corner
- EB. 8421 Zaragoza Rd., 353' + South of Charles E. Schulte Dr.
- FB. 8422 Cora Pl., 485' + South-East of Mansfield Av.
- GB. 8423 Scott Ln., 52' + West of Upper Valley Rd.
- HB. 8424 Scott Ln., 85' + West of Leticia Ln.
- IB. 8425 Al Smith Ln., 260' + West of Leticia Ln.
- JB. 8426 Al Smith Ln., 425' + East of Leticia Ln.
- KB. 8429 George Dieter Dr., 70' + North of Taffy Bagley Dr.
- LB. 8444 Coloma Cr., 30' + North-East of Coloma Cr, North Intersection
- MB. 8451 Cheryl Ladd Ct. & Dean Martin Dr., North-East corner
- NB. 8460 Rio West Rd., 1153' + North-West of Rio West St.
- OB. 8461 Rio West Rd., 650' + West of Rio West St.
- PB. 8462 Rio West Rd., 50' ± West of Rio West St.
- QB. 8468 4564 Doniphan Dr., 500' <u>+</u> North-West of Bird Dr.
- RB. 8470 Tom Lea Bl., 100' + South R.E. Thomason Loop
- SB. 8482 Pheasant Rd., 580' + North-East of Sun Valley Dr.
- TB. 8484 Calle Del Sol Dr. & Calle Placido Dr., North-West corner
- UB. 8485 Calle Placido Dr. & Calle Lomas Dr., South-East corner
- VB. 8537 Desert South Bl., 440' ± South of Gate Ridge Cr.
- WB. 8538 Kenworthy Dr., 97' + North of Winthrop Dr.

- XB. 8539 Redd Rd., 360' + North-West of Thorn Dr. 8540 Bobolink Wy & Turnstone Dr., North-East corner YB. 8547 Coloma Cr., 144' + North-East of Henry Ln. 7B *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE the request to fill the following positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions: **A.** Coach Operator Trainee (7) B. Clerk Typist III (1) *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE the Staffing Table Change for OFFICE OF MANAGEMENT AND BUDGET Contract-Admin Support (NE) Delete 1.00 Contract-Professional (E) Add 1.00 *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE the Staffing Table Change for SOLID WASTE MANAGEMENT Environmental Engineering Technician I GS 24 1.00 Add *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPOINT Marilyn Jean Munden to the Greater El Paso Civic, Convention, and Tourism Advisory Board by Representative Susan Austin, District 1. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPOINT Kelly Duke to the Parks and Recreation Advisory Board by Representative Susan Austin, District 1. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPOINT F. Randolph Young to the El Paso Mountain Committee by Representative John F. Cook, District 4. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPOINT Jose Melendez to the Zoning Board of Adjustment by Representative Vivian Rojas, District 7. *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following installment agreements for AD VALOREM taxes be APPROVED in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:
- **A.** PID #H788-003-0180-0020, \$213.60 per month installments on a balance of \$2,563.20 for 2003 taxes; Roberto & Maria D. C. Yepen 18002 Carson.
- **B.** PID #W500-000-0050-0030, \$466.67 per month installments on a balance of \$16,800.12 for 1995, 1996, 1997, 1998, 1999 & 2000 Taxes; Emilio & Sandra Montes 10770 Wilton Pl.
- C. PID #2003-000-0062-0022, \$8,114.36 per month installments on a balance of \$97,372.32 for 2003 taxes; The Shredder Co. LLC Property Tax Dept. 7380 Doniphan.
- D. PID #Q550-999-0130-0400, \$208.77 per month installments on a balance of \$2,505.24 for 2003 taxes; Sergio Jr., & Rose A. Villegas 1736 Rudy Quail.
- E. PID #X173-000-0000-0360, \$1,375.93 per month installments on a balance of \$12,383.37 for 2001, 2002 & 2003 taxes; John R. Tamez Raymond R. Tamez 7771 Kiely.

- F. PID #1996-999-1899-0034, \$1,372.14 per month installments on a balance of \$8,232.84 for 2003 taxes; Preferred Medical Services 11551 Chito Samaniego.
- **G.** PID #S155-000-0060-0900, \$173.18 per month installments on a balance of \$2,078.16 for 2002 & 2003 taxes; Bertha Zavala 481 Santa Martina.
- **H.** PID #S562-002-0360-0200, \$232.71 per month installments on a balance of \$2,792.52 for 1999, 2000, 2001, 2002 & 2003 taxes; Laurencia L. Stark None.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one additional year, from December 28, 2006 to December 28, 2007 pursuant to the provisions of Contract 2004-018-C2 with Truck Enterprises, El Paso, Texas for Vehicle Body Repair & Painting.

Mayor Joe Wardy and Representatives Cobos and Rojas commented.

Mr. Byron Johnson, Director of Purchasing, gave the particulars.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to exercise the City's option to extend the term of the agreement for one additional year, from December 28, 2006 to December 28, 2007 pursuant to the provisions of Contract 2004-018-C2 with Truck Enterprises, El Paso, Texas for Vehicle Body Repair & Painting.

Representatives Lozano and Cook were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE REGULAR AGENDA** Solicitation No. 2005-007 Paint and Painting.

Mayor Joe Wardy and Representatives Cobos, Ortega, Lozano, Austin, and Escobar commented.

Ms. Joyce Wilson, City Manager, commented.

The following City staff members commented:

- 1. Mr. Byron Johnson, Director of Purchasing;
- 2. Mr. Jeffrey Belles, Director of Fleet Services;
- 3. Ms. Terri Cullen-Garney, Deputy City Attorney;

1st Motion:

Motion made by Representative Cobos, seconded by Representative Cushing and NOT CARRIED TO REJECT ALL BIDS for Solicitation No. 2005-007 Paint and Painting

AYES:

Representatives Cushing, Escobar, and Cobos

NAYS:

Representatives Austin, Lozano, Ortega, and Rojas

NOT PRESENT:

Representative Cook

2nd and Final Motion:

Motion made by Representative Cobos, seconded by Representative Ortega and carried to POSTPONE ONE (1) WEEK Solicitation No. 2005-007 Paint and Painting

AYES:

Representatives Cushing, Lozano, Ortega, Escobar, and Cobos

NAYS:

Representatives Austin and Rojas

NOT PRESENT:

Representative Cook

Award to:

KWAL Paint, Inc. Denver, Colorado

Item (s):

#1 thru #22

Amount:

\$30,000.00 (estimated annually)

Facilities Maintenance 31010326-503200-01101

Department:
Funds available:
Funding source:

Building Maintenance General Operating Funds

\$90,000.00 (estimated)

The Building Maintenance and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

Vendor also offer the City a 2 % ten (10) days prompt payment discount.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

..... *Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE budget transfer BT2005-199 FIRE

To set up appropriation for FY05 to purchase equipment for Fire Stations

Increase \$3,884.70 to 22153024/15464/407002 Est Rev Increase \$3,884.70 to 22153024/15464/503117 EqMntSup

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE budget transfer BT2005-200 PARKS AND RECREATION

This budget transfer recognizes the revenue received from the Memorial Tree Program and appropriates these funds to purchase trees and provide irrigation water for their maintenance.

Increase \$1,875 to 51010262/50116/405060
Increase \$1,000 to 51010262/50116/503113
Increase \$875 to 51010262/50116/504101 51010262/50116/405060 51010262/50116/503113 **Donations** Land Sup Water

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-202 MUSEUM (HISTORY)

To appropriate funds for travel, visiting other Museums, Museum opening event planning, and other opening preparations.

Increase	\$5,000	to	54154002/G54001007406/407002	Est Rev
Increase	\$4,500	to	54154002/G54001007406/502215	OutsideCnts
Increase	\$ 500	to	54154002/G54001007406/504201	Travel

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-221 COMMUNITY AND HUMAN DEVELOPMENT

This budget transfer will reopen the Armijo Pool, a 25th Year (1999-2000) Community Development project in order to fund additional service as awarded to the architect by agreement.

Decrease	\$7,500	from	71150069/G7129CD000107747/508027	Construction
Increase	\$7,500	to	71150000/G7125CD112007575/508016	Architect Serv
Decrease	\$7,500	from	71150069/G7129CD000107747/406000	FedGrtProc
Increase	\$7,500	to	71150000/G7125CD112007575/406000	FedGrtProc

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Building Permit refund to Dawn Rodriguez in the amount of \$60.00.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Jose R. Sanchez to block off the 300 block of Kyle on December 11, 2004 from 4:00 p.m. to 9:00 p.m. and on December 12, 2004 from 8:00 a.m. to 9:00 p.m. for a block party (matachines). Approximately 100 persons will take part and 50 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT#: 04-157

[Jose R. Sanchez]

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Domingo Correa Sr. to block off the 2400 block of San Diego on December 18, 2004 from 8:00 a.m. to 11:00 p.m. for a block party. Approximately 150 persons will take part and 150 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." This request includes permission to use amplification (one radio). PERMIT#: 04-159 [Domingo Correa Sr.]

*Mation made by Ponrocentative Cohon, accorded by Ponrocentative Cushing and unanimously carried to

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE the request of Raul & Betty Figueroa to block off the 11000 block of Tom Weiskopf on December 4, 2004 from 1:00 p.m. to 6:00 p.m. for a block party (matachines). Approximately 50 persons will take part with 70 spectators anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices." PERMIT#: 04-160 [Betty Figueroa]

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to APPROVE the request of St. Pius X Church to hold a procession on December 2, 2004 from 6:01 p.m. to 7:00 p.m. Route: Starting at 1050 N. Clark and proceeding northeast to and turning right on Geronimo, heading south on Geronimo and turning right at Gila, heading west on Gila and turning right on N. Clark and ending at 1050 N. Clark. Approximately 60 persons and 1 vehicle will take part with no spectators anticipated. PERMIT#: 04-161 [Norma A Lujan]

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Ordinance Nos. 010873, 012221, 012476, 012636, 014826 and 15415, which established fees for the Foreign Trade Zone, to make various administrative changes to the Zone Schedule No. 1 Rates, Rules, Charges and Regulations for Foreign-Trade Zone No. 68; and to amend the Subzone Fees.
- B. An Ordinance amending Title 18 (Building and Construction), Chapter 18.08 (Building Code), of the El Paso City Code, to adopt the 2003 edition of the International Building Code with changes appropriate for the City of El Paso with penalties not to exceed Two-Thousand Dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.
- C. An Ordinance amending Title 9 (Health and Safety) Chapter 9.52 (Fire Prevention Code) by adopting the book entitled "International Fire Code, 2003 Edition," with penalties not to exceed Two Thousand Dollars (\$2,000.00) per day per violation as provided in Sections 9.52.109.3 (Violation Penalties) and 9.52.111.4 of the El Paso Municipal Code.
- D. An Ordinance amending Title 18 (Building and Construction), Chapter 18.12 (Mechanical Code), of the El Paso City Code, to adopt the 2003 edition of the International Mechanical Code and with changes appropriate for the City of El Paso, with penalties not to exceed Two Thousand Dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.
- E. An Ordinance amending Title 18 (Building and Construction), Chapter 18.20 (Plumbing Code), of the El Paso City Code, to adopt the 2003 edition of the International Plumbing Code with changes appropriate for the City of El Paso and with penalties not to exceed Two-Thousand Dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.
- F. An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.10 (Residential Code), of the El Paso City Code and adopting the 2003 edition of the International Residential Code with changes appropriate for the City of El Paso, with penalties not to exceed Two-Thousand Dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.
- G. An Ordinance amending Title 18 (Building and Construction), Chapter 18.24 (Gas Code), of the El Paso City Code, to adopt the 2003 edition of the International Fuel Gas Code and with changes appropriate for the City of El Paso, with penalties not to exceed Two-Thousand Dollars (\$2,000.00) per day per violation as provided in Section 18.02.107 of the El Paso City Code.
- H. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII- Restrictions On Parking In Residential Districts), Of The El Paso Municipal Code, To Add a New Location to Zone K: No Parking Anytime, Arnulfo Place, East Side, From Comanche Avenue to a Point 125 Feet South. The Penalty Being As Provided In Section 12.84.010 (Violation - Penalty) Of The El Paso Municipal Code.
- I. An Ordinance Amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III Parking Prohibited At All Times On Certain Streets) To Add a New Location on The North Side of Ojo De Agua Drive from Westwind Drive to a Point 205 Feet East. The Penalty being as Provided in Section 12.84.010 Of The El Paso Municipal Code.

PUBLIC HEARING WILL BE HELD ON DECEMBER 14, 2004 FOR ITEMS A - I

J. An Ordinance granting Special Permit No. ZON04-00134 to allow for a parking reduction on the property described as Lots 9 and 10, Block 32, Franklin Heights (1318 Myrtle Avenue), El Paso, El Paso County, Texas pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty is as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Opportunity Center for the Homeless. Representative: Wright & Dalbin Architects Inc.

PUBLIC HEARING WILL BE HELD ON DECEMBER 21, 2004 FOR ITEM J

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **DELETE** the introduction of an Ordinance Amending the appropriate Sections of Title 18 (Building and Construction) of the El Paso Municipal Code to expand the scope of existing "third party inspections" involved in the plan review and inspection of construction of single family residences.

See discussion about Third Party Inspections on page 13.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE TWO (2) WEEKS** the discussion and action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank.

Item: Discussion and action on the proposed 2005 City of El Paso Legislative Priorities.

Ms. Laura Uribarri, Executive Assistant to the Mayor, commented on the revised 2005 City of El Paso Legislative Priorities.

Mayor Joe Wardy and Representatives Austin, Lozano, Cook, Cobos, Escobar, Rojas, and Ortega commented.

Representative Cook read into the record an email from Mr. Steve Judd, father of son who had recently passed away from alcohol poisoning.

1st Motion:

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to amend the document to move "Workforce Development" to Priority Legislative Initiatives in the 2005 Legislative Priorities handout (on file in the City Clerk's Office).

2nd Motion:

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to move "Support for Governor Perry's initiative to enhance the transportation infrastructure surrounding military bases" to Priority Legislative Initiative in the 2005 Legislative Priorities handout (on file in the City Clerk's Office).

The following City staff members commented:

- 1. Ms. Elaine Hengen, Assistant City Attorney;
- 2. Police Chief Richard Wiles:
- 3. Ms. Lisa A. Elizondo, City Attorney;

The following members of the public commented:

- 1. Ms. Marge Bartoletti, Rio Grande Safe Communities (provided documents to Council Members on file in the City Clerk's office);
- 2. Mr. Samuel Marcel, Licensed Professional Counselor, Program Director, Detox Unit, and Doctoral Student, Addiction Psychology;
- 3. Dr. John Tune, representing Doctors of the El Paso County Medical Society and Board of Directors, El Paso City-County Health and Environmental District;
- 4. Ms. Linda King, President, El Paso Chapter of M.A.D.D.;
- 5. Ms. Blanche Tune, Rio Grande Safe Communities; and
- 6. Mr. Richard Schecter, citizen.

3rd Motion:

Motion made by Representative Austin, seconded by Representative Cook and unanimously carried to allow Mr. Schecter an additional 30 seconds to speak.

Representatives Ortega and Escobar were not present for the vote.

The following members of the public commented:

- 7. Mr. Carl Robinson, citizen;
- 8. Ms. Lois Blough, Director of Trauma and Neurological Services, R. E. Thomason General Hospital.

Ms. Uribarri read the motion into the record.

4th Motion:

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried **APPROVING** as amended the City of El Paso's Legislative Agenda, adopting a statement of policy and authorizing the Mayor's office to coordinate the City's legislative program for the 79th Texas Legislative Session. (2005 State Legislative Priorities on file in the City Clerk's Office)

NO ACTION WAS TAKEN on the discussion and action on defining the City policy concerning the legal and proper disposal of "fats, oils, and grease" (FOG), and whether such policy should be handled by the public or private sector.

Representative Cushing requested that the following agenda items be discussed concurrently:

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- Discussion and action on defining the City policy concerning the legal and proper disposal of "fats, oils, and grease" (FOG), and whether such policy should be handled by the public or private sector; and
- Discussion and action concerning the proper designation of regulatory oversight for the supervision and enforcement of rules and regulations defining the proper and legal disposal of "fats, oils, and grease" (FOG).

Mayor Joe Wardy and Representatives Cushing, Lozano, Cobos, Escobar and Cook commented.

Ms. Joyce Wilson, City Manager, commented.

The following City staff members commented:

- 1. Ms. Lisa Hayes, Assistant City Attorney;
- 2. Ms. Ellen Smyth, Director of Solid Waste Management; and
- 3. Mr. David Brosman, El Paso Water Utilities Public Service Board.

NO ACTION WAS TAKEN on the discussion and action concerning the proper designation of regulatory oversight for the supervision and enforcement of rules and regulations defining the proper and legal disposal of "fats, oils, and grease" (FOG).

See above item for discussion.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **DIRECT** the City Attorney's Office to come back in four (4) weeks with a new ordinance expanding the scope of "third party inspections" of construction of single-family residences and their accessory structures such as garages, carports, and fences, in light of the expanded need for housing to accommodate known increases in troop strength at Fort Bliss and anticipated demands in this area.

Mayor Joe Wardy and Representative Cushing commented.

Representative Cushing read into the record an Associated Press article from Columbus, Georgia.

Ms. Joyce Wilson, City Manager, commented.

The following City staff members commented:

- 1. Mr. Alan Shubert, Director of Building Permits and Inspections;
- 2. Ms. Lisa A. Elizondo, City Attorney; and
- 3. Ms. Lisa Hayes, Assistant City Attorney.

Item: Discussion and action to authorize the City Manager to enter into an agreement with Playground Connection to provide and build a barrier-free/developmentally advantageous playground at Vista Del Valle Park at no cost to the City.

Motion made by Representative Lozano, seconded by Representative Ortega and unanimously carried that the City Manager is **AUTHORIZED** to negotiate and enter into an agreement with Playground Connection to provide and build a barrier-free/developmentally advantageous playground at Vista Del Valle Park at no cost to the City.

Representative Lozano introduced Mr. Mitch Doblado, President & CEO, Playground Connection.

Mr. Doblado explained the purpose of Playground Connection passed out a document (on file in the City Clerk's office) and responded to questions of Council Members.

Representatives Lozano, Austin, Ortega, Rojas, and Escobar commented.

The following City staff members commented:

- 1. Mr. John Nance, Assistant City Attorney; and
- 2. Ms. Lisa A. Elizondo, City Attorney;

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR AGENDA** the discussion and action to direct the City Manager to create a committee to conduct research regarding the effectiveness of relevant workforce boards and entities for the purpose of gathering information relating to issues and problems experienced by displaced workers in El Paso to be presented to the Council.

Representative Lozano was not present for the vote.

Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to INSTRUCT the City Attorney's Office to draft an ordinance to create a workforce board for the purpose of gathering information relating to issues and problems experienced by displaced workers in El Paso.

Mr. Guillermo Glenn, citizen, commented and responded to questions from the Council Members.

Mayor Joe Wardy and Representatives Cushing, Lozano, Rojas, Austin, and Ortega commented.

The following City staff members commented:

- 1. Ms. Lisa A. Elizondo, City Attorney; and
- 2. Mr. Jeff McElroy, Assistant City Attorney.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the discussion and action on a Resolution that the City of El Paso hereby commits to joining the partnership effort and a \$250,000.00 financial commitment to fund the Paso del Norte's Master Plan.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **APPROVE** Conditional "B" building permits for Mission Stone Subdivision based on the finding of economic hardship.

Representative Lozano was not present for the vote.

Mr. Omar Souedian, Engineering Department, commented.

Mr. Francisco Ruiz, owner/developer Mission Stone Subdivision, commented.

Motion made by Representative Cook, seconded by Representative Ortega and unanimously carried to **APPROVE** Conditional "B" building permits for North Hills Unit 21 Subdivision based on the finding of economic hardship.

Representative Lozano was not present for the vote.

Mr. Omar Souedian, Engineering Department, commented.

Mr. Conrad Conde, Conde, Inc., commented.

ORDINANCE 15943

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.16 (AIRPORT USE REGULATIONS) OF THE EL PASO MUNICIPAL CODE BY AMENDING SECTION 14.16.135, FUEL FLOWAGE FEES, TO DELETE THE EXCEPTION FOR AIRCRAFT INVOLVED IN A COMMERCIAL ACTIVITY FOR WHICH PAYMENT OF A LANDING FEE IS REQUIRED. THE PENALTY AS PROVIDED IN CHAPTER 1.08 OF THE EL PASO MUNICIPAL CODE.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Austin, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15944

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 14 (AIRCRAFT AND AIRPORTS), CHAPTER 14.24 (COMMERCIAL AIR CARRIERS RATES AND CHARGES) OF THE EL PASO MUNICIPAL CODE BY AMENDING APPENDIX A TO SET FORTH NEW COST RECOVERY RATES FOR FISCAL YEAR 2005. THE PENALTY AS PROVIDED IN CHAPTER 1.08 OF THE EL PASO MUNICIPAL CODE.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....

ORDINANCE 15945

The City Clerk read an Ordinance entitled: AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$14,360,000 CITY OF EL PASO, TEXAS, WATER AND SEWER REVENUE REFUNDING BONDS, SERIES 2004-A; APPROVING A PURCHASE CONTRACT; APPROVING AN OFFICIAL STATEMENT; AND ENACTING PROVISIONS RELATED THERETO.

Representatives Cook, Cushing, Ortega, and Austin commented.

Mr. Nicholas Costanzo, Chief Financial Officer for the El Paso Water Utilities Public Service Board, commented.

Mr. Steve Adams, First Southwest Company, provided documents to Council Members (on file in the City Clerk's office) and commented.

Mr. Paul Braden, Bond Counsel, revised the Water and Sewer Revenue Refunding Bond amount to read \$14,360,000.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Ortega, seconded by Representative Escobar, that the Ordinance be **ADOPTED** as *revised*. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** as *revised*.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE EIGHT (8) WEEKS** a public hearing to determine if the property located at 1105 Loma Verde Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 19th, 2004. The owners of this property, Lawrence W. & Catherine J. Few, 1105 Loma Verde Drive, El Paso, Texas 79936, have been notified of the violations at this property. Delinquent taxes in the amount of \$0.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections of the City of El Paso has conducted an investigation and has reported to the City Council in writing that he is of the opinion that the structure located on the property at 7204 ½ North Loop Drive, in El Paso, Texas, which property is more particularly described as follows:

Lots: A portion of Lot 3 and all of Lot 4, Block 6, Stiles Gardens, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 3, Page 9, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Jose M. Escobar, 7221 North Loop Drive, El Paso, Texas 79915, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on November 30, 2004; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is unsafe, substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating structural integrity and disposal of refuse; and
 - c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.

- 2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Building and the accessory structures be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
 - d. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
- 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections may demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
- 4. That said Owner shall become personally liable for all costs incurred by City in connection with the demolition of the Building and cleaning the premises of all weeds, trash and debris; and
- 5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
- 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
 - a. The City may perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
- 7. That upon failure of the Owner, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
- 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within thirty (30) days after notice of this Resolution. The findings shall become final after thirty (30) days of receipt of Notice; and
- 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
- 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented the case to Council Members and read the Department's recommendations into the record.

Representative Lozano commented.

The City Clerk called for pubic comment. There was no public comment.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Austin was not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** an Ordinance amending Title 2 (Administration and Personnel) of the El Paso City Code, by revising Chapter 2.30 (Building Board of Appeals), to incorporate the responsibilities of the Electrical Board of Appeals (Codified currently as Chapter 2.34), to incorporate the responsibilities of the Plumbing/HVAC Board (Codified currently as Chapter 2.32), and to make significant changes to the board.

ORDINANCE 15946

The City Clerk read an Ordinance entitled: AN ORDINANCE TO REPEAL TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.52 (MASSAGE AND TURKISH BATH ESTABLISHMENTS).

Mr. Alan Shubert, Director of Building Permits and Inspections, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15947

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.150 (SCHEDULE XIV, SPEED LIMITS) OF THE EL PASO MUNICIPAL CODE, TO TEMPORARILY REDUCE THE EXISTING SPEED LIMIT OF 60 M.P.H. TO 50 M.P.H. ON IH-10 EAST, BETWEEN MCRAE BOULEVARD TO 1.56 MILES WEST OF FM 659 (ZARAGOZA ROAD) FOR THE DURATION OF THE IH-10 TEXAS DEPARTMENT OF TRANSPORTATION REHABILITATION PROJECT. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.

Representative Austin and Ms. Joyce Wilson, City Manager, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15948

The City Clerk read an Ordinance entitled: AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.180 (NO STOPPING OR STANDING - TOW-AWAY ZONE), SUBSECTION (A) OF THE EL PASO MUNICIPAL CODE, BY ADDING A NEW LOCATION ON DODGE ROAD, FROM STILES DRIVE SOUTHWESTERLY TO ITS TERMINUS, BOTH SIDES. THE PENALTY BEING AS PROVIDED IN SECTION 12.88.180 OF THE EL PASO MUNICIPAL CODE.

Representative Lozano commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cobos, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15949

The City Clerk read an Ordinance entitled: AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00113, TO ALLOW FOR A PLANNED RESIDENTIAL DEVELOPMENT ON A PORTION OF TRACT 1A, S.J. LARKIN SURVEY #265, AND ALL OF TRACTS 1B, 2C AND 4M, S.J. LARKIN SURVEY #265, EL PASO, EL PASO COUNTY, TEXAS (SOUTH OF BEAR RIDGE DRIVE AND EAST OF DESERT CANYON ROAD) PURSUANT TO SECTION 20.12.040 AND 20.22.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended approval.

Representative Austin commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be ADOPTED. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent: None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to DELETE an Ordinance changing the zoning of Tract 2B, Block 14, Ysleta Grant, El Paso, El Paso County, Texas (Lomaland Drive South of North Loop Drive) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Oscar Andrade. ZON04-00114 THIS IS AN APPEAL CASE.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to POSTPONE TWO (2) WEEKS an Ordinance amending Title 15 (Public Services), by amending Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses), of the El Paso Municipal Code to allow for banner programs in the Downtown Area or other areas; the penalty being as provided in Section 1.08 of the El Paso Municipal Code.

ORDINANCE 15950

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-4 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS; AND PARCEL 2: A PORTION OF TRACT 1A, SECTION 39, BLOCK 80, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-3 (RESIDENTIAL) TO C-2 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval as requested. He added that, at the CPC meeting, opposition to the zoning change request was present.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15951

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF PARCEL 1A: A PORTION OF TRACT 12, SECTION 34, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL); PARCEL 1B: A PORTION OF TRACT 1 AND 12, SECTION 34, AND A PORTION OF TRACT 1B, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 1B, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO C-1 (COMMERCIAL); PARCEL 3: A PORTION OF TRACT 12, SECTION 34, AND A PORTION OF TRACT 1B, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL); PARCEL 4: A PORTION OF TRACT 1B, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM C-1 (COMMERCIAL) TO R-5 (RESIDENTIAL); AND PARCEL 5: A PORTION OF TRACT 1 AND 12, SECTION 34, AND A PORTION OF TRACT 1B, SECTION 39, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS FROM R-5 (RESIDENTIAL) TO A-2 (APARTMENT). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Ortega, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

ORDINANCE 15952

The City Clerk read an Ordinance entitled: AN ORDINANCE CHANGING THE ZONING OF PARCEL 1: A PORTION OF TRACT 7, S.A. & M.G. RAILROAD SURVEY NO. 265, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO C-4 (COMMERCIAL); PARCEL 2: A PORTION OF TRACT 7, S.A. & M.G. RAILROAD SURVEY NO. 265, AND A PORTION OF TRACTS 97E AND 97E1, S.A. & M.G. RAILROAD SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-3 (COMMERCIAL); AND PARCEL 3: A PORTION OF TRACTS 97E AND 97E1, S.A. & M.G. RAILROAD SURVEY NO. 267, EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-4 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that, at the CPC meeting, opposition to the zoning change request was present.

Representative Austin commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 15953

The City Clerk read an Ordinance entitled: AN ORDINANCE GRANTING SPECIAL PRIVILEGE TO THE SUN BOWL ASSOCIATION AUTHORIZING THE ENCROACHMENT OF SEVENTY-NINE TEMPORARY STREET DISPLAYS ON CITY FIXTURES AND UTILITY POLES ON PORTIONS OF AIRWAY BOULEVARD BETWEEN GATEWAY WEST BOULEVARD AND CONVAIR ROAD PROMOTING THE VITALIS SUN BOWL GAME.

Mr. Rudy Valdez, Chief Urban Planner, revised the Ordinance language to note that the fees were waived based on the determination that there was an overall economic benefit which outweighs the cost to the City of El Paso.

Mayor Joe Wardy and Representatives Austin, Lozano, and Rojas commented.

Ms. Georgina Panahi, Marketing Director, Sun Bowl Association, commented.

The City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Ortega, that the Ordinance be **ADOPTED** as *revised*. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Member Cook was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED** as *revised*.

ORDINANCE 15954

The City Clerk read an Ordinance entitled: AN ORDINANCE VACATING A TEN-FOOT (10') WIDE UTILITY EASEMENT LOCATED WITHIN ALL OF LOT 2, MUNICIPAL CENTER SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval.

Mayor Joe Wardy and Representative Rojas commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Rojas, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES:

Council Members Austin, Cushing, Ortega, Escobar, Rojas and Cobos

NAYS:

None

Absent:

None

Council Members Lozano and Cook were not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

Mating woods by Dangsportsting Cohon, accorded by Dangsportsting Cyching and unanimously carried t

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **MOVE TO THE FOREFRONT OF THE REGULAR** agenda the public hearing in accordance with Section 6.16.80 of the El Paso Municipal Code to determine whether Veronica Pena d/b/a United Independent Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to United Independent Cab Company to operate (19) taxicabs pursuant to Title 6 of the Municipal Code.

Representatives Cushing, Cook, Lozano, Austin, and Rojas commented.

The following City staff members commented:

- 1. Ms. Luz Sandoval-Walker, Assistant City Attorney;
- 2. Ms. Terri Cullen-Garney, Deputy City Attorney;
- 3. Mr. Daniel Fuentes, Vehicle-For-Hire Supervisor, Taxi Detail, Police Department;
- 4. Ms. Lisa A. Elizondo, City Attorney;

The following individuals spoke in favor of issuing an operating permit to United Independent Cab Company:

- 1. Mr. Ray Mancera, attorney representing the applicant, Victoria Peña; and
- 2. Ms. Victoria Peña, applicant; (interpretation by Ms. Diana Nuñez, Deputy City Clerk).

The following individual spoke in opposition:

Mr. Ivan Garza, representing Sun City Cab Company.

Ms. Sandoval-Walker read the following motion into the record: That the Council authorize the Chief of Police to issue the 19 operating permits to the applicant, Victoria Peña, operating as United Independent Cab Company.

Prior to the vote, Ms. Richarda Duffy Momsen, City Clerk, asked whether the Public Hearing had been closed.

Representative Cobos responded yes.

Mr. Mancera, stated for the record, that he was a member of the City Plan Commission.

The City Clerk called for further pubic comment. There was no further public comment.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Public Hearing in accordance with Section 6.16.80 of the El Paso Municipal Code to determine whether Veronica Pena d/b/a United Independent Cab Company is fit, willing and able to provide taxi service in the City of El Paso and whether the Chief of Police should be authorized to issue an operating permit to United Independent Cab Company to operate (19) taxicabs pursuant to Title 6 of the Municipal Code.

Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to **APPROVE** the above Resolution.

Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **DELETE** the following executive session item:

Discussion and Action on Nancy Hollebeke v. City of El Paso, et al; Cause No. EP-04-CA-0185-HLH. (551.071)

Representative Cook was not present for the vote.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:38 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Cook was not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVLOPMENT NEGOTIATIONS

Discussion and action on the following:

- **A.** Discussion and Action on Chris Jennings v. City of El Paso, et al; Cause No. EP-03-CA-0286-KC. (551.071)
- **B.** Discussion and Action on Ricardo Ordonez v. City of El Paso, et al; Cause No. 2003-3289. (551.071)

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council at 1:47 p.m., during which time motions were made as follows.

Representatives Lozano and Cook were not present for the vote.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement demand in the lawsuit entitled Chris Jennings, et al vs. The City of El Paso, et al; Cause No. EP-03-CA-0286-KC in the United States District Court for the Western District of Texas, as recommended by the City Attorney.

Representatives Lozano and Cook were not present for the vote.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the City Attorney's Office be authorized to reject Plaintiffs' settlement demand in the lawsuit entitled *Ricardo Ordonez, et al vs. The City of El Paso, et al*; Cause No. 2003-3289 in the County Court of Law No. 5.

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Representatives Lozano and Cook were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to

adjourn this meeting at 1:48 p.m.

Representatives Lozano and Cook were not present for the vote.

APPROVED AS TO CONTENT:

Richarda' Duffy Momsen, City Clerk